

INQUIRY CONCERNING A) Supreme Court
JUDGE, NO. 00-319) Case No. SC00-2510
JOSEPH P. BAKER)
_____))

The Judicial Qualifications Commission, by and through its undersigned Special Counsel, pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, hereby moves the Commission for a protective order that the deposition of a representative of the Judicial Qualifications Commission noticed for Tuesday, March 6, 2001, in Orlando, Florida, not be taken. A copy of the Notice of Taking Deposition Duces Tecum is attached hereto. The Judicial Qualifications Commission shows as follows:

1. The Notice of Deposition requests that the Judicial Qualifications Commission designate one or more officers, directors or managing agents to give testimony concerning the subjects listed on Attachment "A" to the

Notice and to produce for inspection and copying all documents, correspondence, notes, memoranda, records, tapes or tangible things whatsoever that in any way relate to the subjects listed on Attachment "A."

2. The subjects listed on Attachment "A" include matters that seek legal or procedural advice and it is not the function or responsibility of the Commission to give advice on legal, procedural or hypothetical questions, nor is it appropriate to examine members of the Commission on their knowledge or understanding of rules of procedure and practice.

3. The subjects listed on Attachment "A" also relate to matters that are beyond the subject of the Formal Charges against Judge Baker, that Judge Baker in a specific case communicated with computer consultants and experts, without disclosure to counsel or the litigants, concerning specific, technical issues relating to the question of damages in the case and explaining in a memorandum that the information received from the unidentified computer consultants and experts was taken into consideration in reaching the decision to reduce the jury award of damages to a nominal amount and, therefore,

the matters are not relevant to the subject matter of the Formal Hearing or reasonably calculated to lead to the discovery of admissible evidence.

WHEREFORE, the Judicial Qualifications Commission requests that a protective order be entered that the deposition not be taken.

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General Counsel for the Florida
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- and -

BEDELL, DITTMAR, DeVAULT, PILLANS &
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By _____

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Special Counsel to the Florida
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Certificate of Service

I DO HEREBY CERTIFY that a copy of the Motion for Protective Order has been furnished to each of the following by Facsimile and United States Mail, this _____ day of March, 2001:

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